

TESTIMONY – MARCH 2, 2010
LABOR & PUBLIC EMPLOYEES COMMITTEE
BY
JOYCE A. WOJTAS, REPRESENTING
MECHANICAL CONTRACTORS ASSOCIATION OF CT

SENATE BILL NO. 241
AAC The Department of Administrative Services and Prequalification and
Evaluation of Contractors

The Mechanical Contractors Association of Connecticut supports SB 241 which allows the DAS commissioner to deny a prequalification certificate to any contractor or substantial subcontractor who has received four or more unsatisfactory written evaluations within the past three years prior to applying for a certificate. **This denial, however, should only take place after the contractor or subcontractor receives notice and an opportunity for an administrative hearing.**

Although the common theme is “three times for the normal mind”, the items covered in the evaluations (CGS Sec. 4a-101), the scoring system used by DAS, and the chances for mitigating circumstances and variables warrant the “four strikes and you’re out” provided in this bill. In addition, the fact that not only state and municipal owner evaluations but private owner evaluations will be included according to Sec. 3 (e) of this bill. These owners are not liable for what they list on the evaluation form unless they are found by a court of competent jurisdiction to have acted in a willful, wanton or reckless manner. An owner may view something in an honest way and fill in an evaluation form that is very detrimental to the contractor or subcontractor in the evaluation rating but in the overall picture, may not be that detrimental to the construction project as a whole.

I would like to draw your attention to CGC Sec. 31-57c and 31-57d which provides for disqualification of contractors from bidding on DPW and DOT contracts for conviction of crimes, failure to perform in accordance with the terms of the contract, a history of failure to perform or unsatisfactory performance of one or more contracts, or willful violation of statutory or regulatory provisions applicable to public contracts. These sections are also mentioned in the DAS Prequalification Law. In subsection (f) of these sections the commissioners of DPW and DOT have great flexibility when it comes to the disqualification of a contractor from bidding. Subsections (g) state, “the commissioner may grant an exception permitting a disqualified contractor to participate in a particular contract or subcontract upon a written determination by the head of the contract awarding agency that there is good cause, in the interest of the public, for such action.”

Although everyone agrees that the DAS rules must be tightened and that contractors with poor performance records should not have the opportunity to bid on state-funded public building contracts, we must keep in mind that a disqualification or a denial of prequalification not only takes away the livelihood of the contractor, it heavily impacts the people that the contractor employees.

MCAC respectfully requests that you support this bill.

For questions or additional information contact:
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